

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.14364 of 2007

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Dated 16th July 2007

Between:

Kallem Mangamma & others

... Petitioner

and

The Govt. of A.P., rep. by its Principal Secretary,
Department of Revenue, Secretariate,
Hyderabad & another

... Respondents

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ORDER:

Petitioner states that he is the Agreement holder-cum-GPA holder of plot Nos.92, 110, 144, 153, 155, 159, 160 and 215, admeasuring 167 sq.yards each, in Sy.Nos.125/1 and 131, plot Nos.49, 50 and 20, admeasuring 238, 309 and 450 sq.yards respectively, in Sy.No.16/1, and an extent of 0-20 cents in Sy.No.24, of Adivivaram village, Gopalapatnam of Visakhapatnam District. According to him, he intended to sell the property and approached the 1st respondent for registration. The grievance of the petitioners is that the 1st respondent is neither receiving the document, nor admitting it for registration, on the ground that the lands situated in and around Visakhapatnam Rural Mandal were prohibited, through Gazette

Notification No.360, dated 25.8.2000. This writ petition is filed, seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

While the Stamp Act stipulates the amount of stamp duty payable on a document, the Registration Act prescribes the procedure to be followed, while admitting a document into registration. The Registering Authority is not expected to adjudicate upon the title, in relation to the property covered by the document. Recently, the Registration Act has been amended by including Section 22-A. The circumstances, under which the Registering Authority can refuse registration, are mentioned in Clauses (a) to (e) of sub-section (1). Unless and until the property of the petitioner covered by the document falls into any of those categories, the 1st respondent cannot refuse registration. In case, he finds that the document cannot be registered, for any reasons, he is under obligation to communicate the same to the petitioner, within a reasonable time.

Hence, the writ petition is disposed of, directing the 1st respondent, to receive and process the document presented by the petitioner, in accordance with the provisions of the Stamp Act and the Registration Act, as amended through Act 19 of 2007, and take necessary steps, within a period of one week, from the date of receipt of the document. In case the document cannot be registered, he shall communicate the reasons in writing, within that period. There shall be no order as to costs.

PAN

16th July 2007